

REMARKS

Summary of Changes Made

The application was filed with 26 claims. Later amendments brought the total number of claims to 65, and canceled claims 27-52. were added and claims 1-26 were canceled. Presently, claims 53 and 57 are amended. Accordingly, claims 53-65 (13 claims) remain pending in the application.

Claim Rejections – 35 U.S.C. 101

Claims 53-65 are rejected under 35 U.S.C. 101 as directed to non statutory subject matter. The Examiner admits that the claims recite a series of steps to be performed, the Examiner contends that the series of steps do not transform underlying subject matter nor positively tie to another statutory category that accomplishes the claimed method steps.

Claims 53 and 57 have been amended to emphasize that the method relates to applying makeup **to the skin of a person.**

Previously presented claims 53-65 contain clear, definite transformational process steps as required by 35 U.S.C. 101. It is evident that the method of claim 53, for example, transforms a person without makeup applied to a person with makeup applied. This is the type of transformation envisioned in 35 U.S.C. 101 as well as Supreme Court and Federal Circuit precedent. All claims are thus drawn to statutory subject matter on that basis.

Transformation is a key in determining patentable subject matter, and Applicants assert that at least two transformations are occurring relative to the claimed methods: the transformation of the person to whom the makeup is applied, and the transformation of the various maps produced (texture word map, texture image map), where the production of such maps is the transformation.

Applicants respectfully request the withdrawal of the rejection under Section 101, and an indication that previously presented claims 53-65 constitute statutory subject matter.

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CONCLUSION

Based on the foregoing, the Applicants respectfully request entry of the instant amendment and a Notice of Allowability for claims 53-65. If there are any additional fees resulting from this communication, please charge the same to our Deposit Account No. 18-0160, our Order No. TAK-18149.

Respectfully submitted,

RANKIN, HILL & CLARK LLP

/ Christopher J. Korff /
Kenneth A. Clark, Reg. No. 32,119
Christopher J. Korff, Reg. No. 55,342

23755 Lorain Road - Suite 200
North Olmsted, 44070-2224
(216) 566-9700
docketing@rankinhill.com